

# Calendar No. 997

68TH CONGRESS }  
2d Session }

SENATE

} REPORT  
No. 931

## JUDICIAL DISTRICTS IN OKLAHOMA

JANUARY 26 (calendar day, JANUARY 27), 1925.—Ordered to be printed

Mr. ERNST, from the Committee on the Judiciary, submitted the following

### REPORT

[To accompany H. R. 64]

The Committee on the Judiciary, to which was referred the bill (H. R. 64) to amend section 101 of the Judicial Code as amended, having considered the same, report thereon with the recommendation that it be passed with the following amendment:

Strike out all after the enacting clause and insert the following:

SEC. 1. That section 101 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and it hereby is, amended to read as follows:

"SEC. 101. The State of Oklahoma is divided into three judicial districts, to be known as the northern, the eastern, and the western districts of Oklahoma. The territory embraced on January 1, 1925, in the counties of Craig, Creek, Delaware, Hughes, Mayes, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Rogers, Seminole, Tulsa, and Washington, as they existed on said date, shall constitute the northern district of Oklahoma. Terms of the United States District Court for the Northern District of Oklahoma shall be held at Tulsa on the first Monday in January, at Vinita on the first Monday in March, at Okmulgee on the first Monday in April, and at Pawhuska on the first Monday in May, and at Bartlesville on the first Monday of June, in each year: *Provided*, That suitable rooms and accommodations for holding court at Okmulgee, Pawhuska, and Bartlesville are furnished free of expense to the United States. The eastern district of Oklahoma shall include the territory embraced on the 1st day of January, 1925, in the counties of Adair, Atoka, Bryan, Cherokee, Choctaw, Coal, Carter, Garvin, Grady, Haskell, Johnston, Jefferson, Latimer, LeFlore, Love, McClain, Muskogee, McIntosh, McCurtain, Murray, Marshall, Pittsburg, Pushmataha, Pontotoc, Stephens, Sequoyah, and Wagoner. Terms of the district court for the eastern district shall be held at Muskogee on the first Monday in January, at Hugo on the second Monday in May, at South McAlester on the first Monday in June, at Ardmore on the first Monday in October, and at Chickasha on the first Monday in November, and at Poteau on the first Monday of December in each year, and annually at Pauls Valley at such times as may be fixed by the judge of the eastern district: *Provided*, That suitable rooms and accommodations for holding said court at Hugo, Poteau, and Pauls Valley are furnished free of expense to the United States. The western district of Oklahoma shall include the territory embraced on the 1st day of January, 1925, in the counties of Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron,

Cleveland, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, Major, Noble, Oklahoma, Payne, Pottawatomie, Roger Mills, Texas, Tillman, Washita, Woods, and Woodward. The terms of the district court for the western district shall be held at Guthrie on the first Monday in January, at Oklahoma City on the first Monday in March, at Enid on the first Monday in June, at Lawton on the first Monday in September, and at Woodward on the first Monday of November in each year: *Provided*, That suitable rooms and accommodations for holding court at Woodward are furnished free of expense to the United States. The clerk of the district court for the northern district shall keep his office at Tulsa, the clerk of the district court for the eastern district shall keep his office at Muskogee and shall maintain an office in charge of a deputy at Ardmore, the clerk for the western district shall keep his office at Guthrie and shall maintain an office in charge of himself or his deputy at Oklahoma City.

"Sec. 2. That the present senior judge of the eastern district of Oklahoma be, and he is hereby, assigned to hold said court in the said eastern district, and shall exercise the same jurisdiction and perform the same duties within the said district as he exercised and performed within his district prior to the passage of this act. That the present judge of the western district of Oklahoma be, and he is hereby, assigned to hold said court in the western district of Oklahoma, and shall exercise the same jurisdiction and perform the same duties as he exercised and performed within his district prior to the passage of this act. That the present junior judge of the eastern district of Oklahoma be, and he is hereby, assigned to hold said court in the said northern district, and shall exercise the same jurisdiction and perform the same duties within the said district as he exercised and performed within his district prior to the passage of this act. Each of said judges and courts shall in other respects have all the power and authority, civil, criminal, equitable, or otherwise, which is conferred by law generally upon the district courts of the United States and the judges thereof.

"Sec. 3. The President, by and with the advice and consent of the Senate, shall appoint for said northern district of Oklahoma a district judge upon the death, disability, or retirement of the district judge who is hereby assigned to said northern district.

"Sec. 4. That the President, by and with the advice and consent of the Senate, shall appoint for said northern district of Oklahoma a marshal and a district attorney. A clerk and deputy clerks shall be appointed and may be removed in the manner provided by law.

"Sec. 5. That the jurisdiction and authority of the courts and officers of the western district of Oklahoma and of the courts and officers of the eastern district of Oklahoma as heretofore divided between them by the order of the senior judge of the Circuit Court of Appeals for the Eighth Circuit of the United States, over the territory embraced within said northern district of Oklahoma shall continue as heretofore until the organization of the district court of said northern district and thereupon shall cease and determine, save and except in so far as the authority of the junior judge of said eastern district is continued in him as judge of said northern district, and save and except as to the authority expressly conferred by law on said courts, judges, or officers, or any of them, to commence and proceed with the prosecution of crimes and offenses committed therein prior to the establishment of the said northern district, and save and except as to any other authority expressly reserved to them or any of them under any law applicable in the case of the creation or change of the divisions or districts of district courts of the United States.

"Sec. 6. Any party to any civil action, suit, or proceeding, including proceedings in bankruptcy, which is pending in the said eastern or western district and the prescribed venue of which would have been in said northern district had such district been constituted at the time such action, suit, or proceeding was instituted, may, by filing notice of such desire in the office of the clerk of such eastern or western district as the case may be, cause such action, suit, or proceeding to be transferred to said northern district, and upon the filing of such notice the cause shall proceed in the said northern district as though originally brought therein. The clerk in whose office such notice may be filed shall forthwith transmit all the papers and documents in his court pertaining to such cause to the clerk of said northern district and he shall also, with all reasonable dispatch, prepare and transmit to such last-named clerk a certified transcript of the record of all orders, interlocutory decrees, or other entries in such cause, with his certificate under the seal of the court that the papers sent are all that were on file in said court belonging to the cause. For the performance of his duties under

this section the clerk so transmitting and certifying such papers and records shall receive the same fees as are now allowed by law for similar services, to be taxed in the bill of costs and regularly collected with the other costs in the cause; and such transcript, when so certified and received, shall henceforth constitute a part of the record in the cause in the court to which the transfer shall be made. With such transcript shall be remitted all deposits in the hands of the clerk to the credit or account of such cause. The clerk receiving such transcript and original papers shall file the same. In case the permissible prescribed venue of any such action, suit, or proceeding would, at the option of the plaintiff, have been in either the said eastern district or in the said western district, though said northern district had then been constituted, then such suit, action, or proceeding shall not be removed to said northern district except upon consent of all of the parties thereto which consent shall be filed with the clerk in lieu of the notice of transfer above specified and shall have the same effect."

At the present time the State of Oklahoma is divided into two judicial districts, the eastern and western. There is now one judge for the western district and two judges for the eastern district. The bill which the committee has now reported provides for the permanent division of the State into three districts. The new district, if this bill becomes a law, will be comprised of 13 counties now in the eastern district and two counties now in the western district. This division seems to offer the best apportionment of the business coming before the Federal courts in that State.

The Attorney General believes that the amount of business before the Federal courts of Oklahoma requires the permanent division of the State into three districts and recommends the passage of the bill as amended by the committee.

For the information of the Senate, there is appended hereto a statement of the business transacted by the Federal Court for the Eastern District of Oklahoma during the fiscal years 1922, 1923, and 1924.

## CIVIL CASES TO WHICH THE UNITED STATES WAS A PARTY

| Judicial action, etc.                        | 1922        | 1923        | 1924         |
|--|-------------|-------------|--------------|
| Pending at close of June 30, 1922.....       | 233         | 87          | 67           |
| Commenced during fiscal year.....            | 77          | 53          | 72           |
| Terminated during same period.....           | 223         | 73          | 76           |
| Judgments for United States.....             | 71          | 56          | 60           |
| Judgments against United States.....         | 3           | 1           | 4            |
| Dismissed or discontinued—                   |             |             |              |
| After payment or compromise.....             | 64          | 7           | 7            |
| For other reasons.....                       | 85          | 9           | 5            |
| Appealed to circuit court of appeals.....    | 3           |             | 1            |
| Appealed to Supreme Court.....               |             |             |              |
| Trials by jury.....                          | 1           | 1           |              |
| Pending at close of June 30, 1923.....       | 87          | 67          | 63           |
| Judgments in favor of the United States..... | \$14,334.53 | \$17,688.08 | \$152,480.29 |
| Realized from such judgments.....            | 3,435.86    | 7,354.40    | 95,602.95    |
| From old judgments, compromises, etc.....    | 1,515.15    | 3,113.83    | 7,933.53     |
| Paid United States attorney; no suits.....   |             |             | 4,469.40     |

## CRIMINAL PROSECUTIONS TO WHICH THE UNITED STATES WAS A PARTY

|   |             |             |              |
|---|-------------|-------------|--------------|
| Pending at close of June 30, 1922.....    | 765         | 1,236       | 1,037        |
| Commenced during fiscal year.....         | 1,310       | 1,017       | 745          |
| Terminated during same period.....        | 839         | 1,216       | 1,110        |
| Convictions.....                          | 678         | 955         | 955          |
| Acquittals.....                           | 18          | 21          | 19           |
| Nol. pros. or discontinued.....           | 17          | 78          |              |
| Quashed, dismissed, demurrer, etc.....    | 126         | 162         | 136          |
| Pleas of guilty.....                      | 647         | 917         | 896          |
| Trials by jury.....                       | 49          | 58          | 77           |
| Pending at close of June 30, 1923.....    | 1,236       | 1,037       | 672          |
| Fines, etc., imposed during the year..... | \$69,067.65 | \$95,168.03 | \$114,864.53 |
| Realized on fines, forfeitures, etc.....  | 31,893.16   | 44,591.38   | 40,391.32    |
| Collected without prosecution.....        |             |             |              |

## JUDICIAL DISTRICTS IN OKLAHOMA

## SUITS TO WHICH THE UNITED STATES WAS NOT A PARTY

| Judicial action, etc.  | 1922           | 1923         | 1924           |
|--|----------------|--------------|----------------|
| Pending at close of June 30, 1922.....                                     | 1 394          | 1 470        | 1 519          |
| Commenced during fiscal year.....  | 308            | 312          | 345            |
| Terminated during the same period.....                                     | 232            | 263          | 358            |
| Judgments for plaintiffs.....  | 68             | 82           | 107            |
| Judgments for defendants.....  | 7              | 23           | 44             |
| Dismissed or discontinued.....   | 157            | 158          | 207            |
| Pending at close of June 30, 1923.....                                     | 470            | 519          | 506            |
| Pending, in which no action has been taken within the last five years..... |                | 12           | 9              |
| Judgments for plaintiffs.....  | \$1,391,432.77 | \$481,463.14 | \$1,109,176.62 |
| Judgments for defendants.....  |                | 14,410.58    | 152,654.22     |

1 Exclusive of bankruptcy proceedings.

## CASES TO WHICH THE UNITED STATES WAS A PARTY

| Judicial action, etc.  | 1922           | 1923         | 1924           |
|--|----------------|--------------|----------------|
| Pending at close of June 30, 1922.....                                     | 1 394          | 1 470        | 1 519          |
| Commenced during fiscal year.....  | 308            | 312          | 345            |
| Terminated during the same period.....                                     | 232            | 263          | 358            |
| Judgments for plaintiffs.....  | 68             | 82           | 107            |
| Judgments for defendants.....  | 7              | 23           | 44             |
| Dismissed or discontinued.....   | 157            | 158          | 207            |
| Pending at close of June 30, 1923.....                                     | 470            | 519          | 506            |
| Pending, in which no action has been taken within the last five years..... |                | 12           | 9              |
| Judgments for plaintiffs.....  | \$1,391,432.77 | \$481,463.14 | \$1,109,176.62 |
| Judgments for defendants.....  |                | 14,410.58    | 152,654.22     |

## EXHIBIT A—FUNCTIONS TO WHICH THE UNITED STATES WAS A PARTY

| Judicial action, etc.  | 1922           | 1923         | 1924           |
|--|----------------|--------------|----------------|
| Pending at close of June 30, 1922.....                                     | 1 394          | 1 470        | 1 519          |
| Commenced during fiscal year.....  | 308            | 312          | 345            |
| Terminated during the same period.....                                     | 232            | 263          | 358            |
| Judgments for plaintiffs.....  | 68             | 82           | 107            |
| Judgments for defendants.....  | 7              | 23           | 44             |
| Dismissed or discontinued.....   | 157            | 158          | 207            |
| Pending at close of June 30, 1923.....                                     | 470            | 519          | 506            |
| Pending, in which no action has been taken within the last five years..... |                | 12           | 9              |
| Judgments for plaintiffs.....  | \$1,391,432.77 | \$481,463.14 | \$1,109,176.62 |
| Judgments for defendants.....  |                | 14,410.58    | 152,654.22     |